

★ SEP 26 2016 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

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RUDOLPH PATRICIO DONASTORG, :

:

Plaintiff, :

:

**MEMORANDUM DECISION AND  
ORDER**

- against - :

V.C. VITANZA SONS INC., V.C. VITANZO :

SONS, LLC, ANTHONY POLANCO, TIM :

MULLIGAN, LOUIS L. VITANZA, AND C. :

THEODORE VITANZA, :

Defendants.

14-cv-5300 (AMD)(PK)

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ANN DONNELLY, District Judge.

The plaintiff, Rudolph Donastorg, brought this employment discrimination action under Title VII of the Civil Rights Act of 1964, the New York State Human Rights Law, and the New York City Human Rights Law, on September 10, 2014. In a Report and Recommendation issued on August 8, 2016, Magistrate Judge Peggy Kuo recommended that the Court dismiss the action with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute. No party has objected to Judge Kuo's Report and Recommendation within the time prescribed by 28 U.S.C. §636(b)(1).

In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Where, as here, no party has objected to the magistrate judge's recommendation, "a district court need only satisfy itself that there is no clear error on the face of the record." *Urena v. New York*,

160 F.Supp.2d 606, 609-10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F.Supp. 1186, 1189 (S.D.N.Y. 1985)).

This Court has reviewed Judge Kuo's thorough and well-reasoned opinion, and finds no error. Accordingly, it is hereby ordered that this action is dismissed with prejudice pursuant to Fed.R.Civ.P 41(b). The Clerk of the Court is respectfully directed to close this case.

**SO ORDERED.**

s/Ann M. Donnelly

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Ann M. Donnelly  
United States District Judge

Dated: Brooklyn, New York  
September 26 2016